IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

EFA.No. 5 of 2002()

AGAINST THE ORDER DATED 14/09/2001 IN EA. 499 /2001 IN OS.368/1994 of ADDL.SUB COURT,KOTTAYAM
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APPELLANT: PETITIONER:

ABRAHAM KURIAN, AGED 50, S/O. KURIAN,
MANGALATHE, P.O.EATTUMANNOOR.

BY ADV. SRI.K.RAMACHANDRAN
SMT.P.K.BEENA

RESPONDENTS: CR.PETITIONER:

M/S. ULLATTIL AGENCIES, REPRESENTED BY
ITS MANAGING PARTNER, ISSAC THOMAS,
ULLATTIL HOUSE (UNION CLUB ROAD), KOTTAYAM.

BY ADV. SRI.R.RAMADAS

THIS EXECUTION FIRST APPEAL HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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E.F.A. NO.5 OF 2002

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Dated this the 17th day of October, 2007

J U D G M E N T

Appeal is filed against the order passed by the Sub Court, Kottayam in E.A. No.499 of 2001, a petition filed by the appellant under Order XX1 Rule 97 of the Code of Civil Procedure to declare that the property attached was not liable to be delivered to the decree holder. According to the appellant the property sought to be delivered in execution of the decree absolutely belongs to him. After considering the document, court below found that the property covered by the document relied on by the appellant and the property sought to be delivered are different. Court below also found that the appellant had failed to prove his title and dismissed the application. I do not find any reason to interfere with the order passed by the court below. This appeal is without any merit and the same is only to be dismissed.

In the result, appeal is dismissed.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

E.F.A. NO. 5 OF 2002

J U D G M E N T

17TH OCTOBER, 2007